REMARKS

Claims 1-10 were pending in this application.

Claims 1-10 have been rejected.

Claims 1, 5, and 9 have been amended as shown above.

Claim 4 has been cancelled.

Claims 11-21 have been added.

Claims 1-3 and 5-21 are now pending in this application.

Reconsideration and full allowance of Claims 1-3 and 5-21 are respectfully requested.

I.   REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,395,757 to Bienvenu ("*Bienvenu*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP § 2131; In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)*). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP § 2131; In re Donohue, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)*).

Bienvenu recites a semaphore used as a "signalling mechanism" for "process synchronization." (*Abstract*). A "message semaphore" may include a "queue of messages" for various processes. (*Col. 17, Lines 15-16*). A data structure called a "semaphore descriptor segment"

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is shown in Figure 15 of *Bienvenu*. (*Col. 39, Lines 30-31*). The semaphore descriptor segment includes a "message area." (*Col. 40, Lines 25-32*). In the message area, a "message header" field may be used to identify the priority level of a particular message. (*Col. 40, Lines 49-53*).

Claims 1 and 9 recite that a "plurality of message files" are "each given a priority level" and that a "first task" is capable of processing data in the message files "in order of the priority of the message files." The Office Action fails to establish that *Bienvenu* anticipates these elements of Claims 1 and 9.

The Office Action cites column 40, lines 40-62 of *Bienvenu* as allegedly anticipating providing a "priority level" to "message files" and allowing a "first task" to process data in the message files "in the order of priority." (*Office Action, Page 3, Fourth paragraph*). However, the cited portion of *Bienvenu* simply recites how a header of a message may include a priority level. This simply indicates that each message in *Bienvenu* may have an associated priority level. This portion of *Bienvenu* contains absolutely no mention of using multiple "message files," where each of the message files is given a "priority level" as recited in Claims 1 and 9. This portion of *Bienvenu* also contains absolutely no mention that a "first task" processes data in the message files "in order of the priority of the message files" as recited in Claims 1 and 9.

For these reasons, the Office Action fails to show that *Bienvenu* anticipates the Applicant's invention as recited in Claims 1 and 9 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-3 and 5-10.

II.   NEW CLAIMS

The Applicant has added new Claims 11-21. The Applicant respectfully submits that no new matter has been added. The Applicant respectfully requests entry and full allowance of Claims 11-21.

III.   CONCLUSION

As a result of the foregoing, the Applicant asserts that all claims in this application are in condition for allowance and respectfully requests allowance of such claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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